

AMENDED IN SENATE APRIL 30, 2003

**SENATE BILL**

**No. 93**

**Introduced by Senator Alpert**

January 28, 2003

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An act to amend Sections ~~17551, 17558.5, 17561, 17561.6, 17562, 17564, 17568, and 17600~~ of, and to repeal Section ~~17555~~ of, the ~~Government Code, relating to state mandates, and declaring the urgency thereof, to take effect immediately.~~ 25350, 25350.60, and 25537 of the *Government Code, relating to county real property.*

LEGISLATIVE COUNSEL'S DIGEST

SB 93, as amended, Alpert. ~~State mandates~~ *Counties: real property purchases.*

(1) *Existing law prohibits the purchase by a county of real property of which the purchase price exceeds \$25,000 unless notice of the intention of the board of supervisors to make the purchase is published in the county, as specified.*

*This bill would increase to in excess of \$50,000 the purchase price of real property for which the intention to purchase must be published.*

(2) *Existing law authorizes the board of supervisors of a county to provide by ordinance for a county officer to perform all acts necessary to approve and accept for the county the acquisition of any interest in real property having a purchase price not exceeding \$25,000.*

*This bill would increase the purchase price of real property that may be acquired by the county under that authority to an amount not exceeding \$50,000.*

(3) *Existing law authorizes the county board of supervisors to exempt from a specified bidding procedure leases or licenses of real*

*property of a duration not exceeding 10 years and having an estimated monthly rental of not exceeding \$5,000.*

*This bill would increase the monthly rental of these leases or licenses exempt from the bidding procedure to not exceeding \$10,000.*

~~(1) Existing law requires the Commission on State Mandates to hear and decide upon a claim by a local agency or school district that the local agency is entitled to be reimbursed by the state for costs mandated by the state as required under the California Constitution. Existing law requires that test claims be filed by a local agency or school district not later than 3 years following the date the mandate became effective or, in the case of mandates that became effective before January 1, 2002, the time limit shall be September 30, 2003.~~

~~This bill would set those time periods from the date the statute or executive order became effective rather than the date the mandate became effective.~~

~~(2) Existing law requires the commission, within 10 days after receipt of a test claim based upon a statute or executive order, to set a date for a public hearing on the claim within 75 days. After the hearing the commission shall determine if there are costs mandated by the state.~~

~~This bill would repeal that requirement.~~

~~(3) Existing law makes a reimbursement claim subject to an audit by the Controller no later than 3 years after the claim is filed or last amended. The Controller is required to notify the claimant in writing within 30 days after issuance of a remittance advice of any adjustment to the claim resulting from an audit or review. The notice is required to contain specified information. Existing law specifies the rate and procedure by which the Controller may charge interest on overpaid claims.~~

~~This bill would delete from the notification interest charges on reduced claims, would require the Controller to charge local agencies and school districts for accrued interest charges that are in excess of \$50 on overpayments, and would revise the procedure for imposing interest on overpayments.~~

~~(4) Existing law requires that all initial reimbursement claims for all fiscal years required to be filed on their initial filing date for a state-mandated local program shall be considered as one claim for the purpose of computing any late claim penalty.~~

~~This bill would delete that requirement.~~

~~(5) Existing law requires that a Budget Act item or appropriation relating to reimbursement of claims include the amount necessary to reimburse any interest due on claims paid.~~

~~This bill would also require that any accrued interest charged on overpayments shall be credited against the Budget Act item or appropriation.~~

~~(6) Existing law requires that, if a local agency or school district submits an otherwise valid claim after the specified deadline, the Controller shall reduce the reimbursement claim amount by 10% but that the reduction may not exceed \$1,000.~~

~~This bill would delete that \$1,000 limit on the reduction for a reimbursement claim that is submitted late.~~

~~(7) Existing law requires the commission at least twice each calendar year to report to the Legislature the number of mandates it has found, the costs of the mandates, and the reasons for recommending reimbursement.~~

~~This bill would require the commission, until January 1, 2005, in those reports to indicate whether the legislation found to impose a mandate was identified by the Legislative Counsel and to compare the mandate's statewide cost estimate with legislative fiscal committee estimates.~~

~~(8) The bill would declare it is to take effective immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Section 17551 of the Government Code is~~  
2    *SECTION 1. Section 25350 of the Government Code is*  
3    *amended to read:*  
4    25350. No purchase of real property, including any water  
5    right or other interest therein, of which the purchase price is in  
6    excess of ~~twenty-five thousand dollars (\$25,000)~~ *fifty thousand*  
7    *dollars (\$50,000)* shall be made unless a notice of the intention of  
8    the board of supervisors to make the purchase is published in the  
9    county pursuant to Section 6063. If no newspaper is published in  
10   the county, the notice shall be posted at least three weeks prior to  
11   the time the board meets to consummate the purchase in at least  
12   three public places in each supervisorial district. The notice shall

1 contain a description of the property proposed to be purchased, the  
2 price, the vendor, and a statement of the time the board will meet  
3 to consummate the purchase.

4 Nothing contained in this section shall be deemed to preclude  
5 the settlement of an action in eminent domain or the acquisition of  
6 any real property or interest therein for the uses and purposes of  
7 county highways without compliance with this section.

8 *SEC. 2. Section 25350.60 of the Government Code is*  
9 *amended to read:*

10 25350.60. The board of supervisors of a county may, by  
11 ordinance, authorize ~~such a county officer as~~ it deems appropriate  
12 to perform any or all acts necessary to approve and accept for the  
13 county the acquisition of any interest in real property where the  
14 purchase price for ~~such that~~ interest does not exceed ~~twenty-five~~  
15 ~~thousand dollars (\$25,000)~~ *fifty thousand dollars (\$50,000)*. ~~Any~~  
16 ~~such~~ The authorization shall specify procedures for the exercise of  
17 ~~such the~~ authority by the officer so designated.

18 *SEC. 3. Section 25537 of the Government Code is amended to*  
19 *read:*

20 25537. (a) In any county the board of supervisors may  
21 prescribe by ordinance a procedure alternative to that required by  
22 Sections 25526 to 25535, inclusive, for the leasing or licensing of  
23 any real property belonging to, leased by, or licensed by, the  
24 county. Any alternative procedure so prescribed shall require that  
25 the board of supervisors either accept the highest proposal for the  
26 proposed lease or license submitted in response to a call for bids  
27 posted in at least three public places for not less than 15 days and  
28 published for not less than two weeks in a newspaper of general  
29 circulation, if the newspaper is published in the county, or reject  
30 all bids.

31 (b) Leases or licenses of a duration not exceeding 10 years and  
32 having an estimated monthly rental of not exceeding ~~five thousand~~  
33 ~~dollars (\$5,000)~~ *ten thousand dollars (\$10,000)* may be excluded  
34 from the bidding procedure specified in subdivision (a), except  
35 that notice shall be given pursuant to Section 6061, posted in the  
36 office of the clerk of the board of supervisors, and if the lease or  
37 license involves residential property, notice shall be given to the  
38 housing sponsors, as defined by Sections 50074 and 50074.5 of the  
39 Health and Safety Code. The notice shall describe the property  
40 proposed to be leased or licensed, the terms of the lease or license,

1 the location where offers to lease or license the property will be  
2 accepted, the location where leases or licenses will be executed,  
3 and any county officer authorized to execute the lease or license.  
4 If a lease or license is excluded from the bidding procedure, the  
5 actual monthly rental in the executed lease or license shall not  
6 exceed ~~five thousand dollars (\$5,000)~~ *ten thousand dollars*  
7 *(\$10,000)*, the term of the executed lease or license shall not  
8 exceed 10 years, and the lease or license is not renewable. The  
9 board of supervisors may, by resolution, authorize the county  
10 officer or officers as are deemed appropriate, to execute leases or  
11 licenses pursuant to this section. The county officer authorized by  
12 the board of supervisors to execute licenses pursuant to this section  
13 shall provide a notice to the supervisorial district office in which  
14 the property proposed to be licensed is located at least five working  
15 days prior to execution of the license. The notice shall describe the  
16 property proposed to be licensed, the terms and conditions of the  
17 license, and the name of the proposed licensee. If the supervisorial  
18 district office has not responded in writing objecting to the  
19 proposed license within five working days after the notice has been  
20 provided, the proposed license shall be deemed approved by the  
21 district office. If the supervisorial district office objects to the  
22 proposed license in writing within five working days, the license  
23 may be submitted for approval by the board of supervisors at a  
24 regular meeting.

25 (c) Notice pursuant to this section shall also be mailed or  
26 delivered at least 15 days prior to accepting offers to lease or  
27 license pursuant to this section to any person who has filed a  
28 written request for notice with either the clerk of the board or with  
29 any other person designated by the board to receive these requests.  
30 The county may charge a fee that is reasonably related to the costs  
31 of providing this service and the county may require each request  
32 to be annually renewed. The notice shall describe the property  
33 proposed to be leased or licensed, the terms of the lease or license,  
34 the location where offers to lease or license the property will be  
35 accepted, the location where leases or licenses will be executed,  
36 and any county officer authorized to execute the lease or license.

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**All matter omitted in this version of the  
bill appears in the bill as introduced in the  
Senate, January 28, 2003 (JR 11)**

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